

1 I, Bruce A. Harland, hereby declare as follows:

2 1. I am a shareholder in the law firm of Weinberg, Roger and Rosenfeld, and am one
3 of the attorneys representing SEIU, Local 2028 in the above-entitled case. I make this declaration
4 upon my personal knowledge, and, if called as a witness, I could competently testify to the facts
5 hereinafter stated.

6 2. On or about March 28, 2008, Region 21 of the National Labor Relations Board
7 ("NLRB") issued a Complaint against Rady, Children's Hospital, San Diego, alleging that the
8 employer violated the National Labor Relations Act ("NLRA") by, among other things, refusing to
9 recognize and deal with SEIU, Local 2028. A hearing was set for June 9, 2008, and later
10 rescheduled for June 23, 2008. A true and correct copy of the NLRB Complaint is attached hereto
11 as Exhibit "A."

12 3. On May 12, 2008, I wrote to counsel for Rady, Children's Hospital requesting that
13 his client withdraw its Answer and agree to arbitrate the underlying grievance. A true and correct
14 copy of my letter dated May 12, 2008, to Gary F. Overstreet and Michael R. Goldstein, is attached
15 hereto as Exhibit "B."

16 4. Three days later, on May 15, 2008, Gary F. Overstreet, counsel for Rady, Children's
17 Hospital, responded to my May 12th letter, stating that the "Court specifically declined to rule on
18 whether 2028 or a CBA exists Since these questions of representation are essential to your
19 demand for arbitration, your petition for arbitration should be withdrawn pending the outcome of
20 these NLRB proceedings." A true and correct copy of Mr. Overstreet's letter dated May 15, 2008
21 is attached hereto as Exhibit "C."

22 5. On June 17, 2008, rather than litigate the issue of Local 2028's existence through
23 the NLRB proceedings, Rady, Children's Hospital unilaterally entered into a settlement agreement
24 with the NLRB whereby they agreed to recognize and deal with Local 2028 without admitting that
25 they had violated the NLRA. A true and correct copy of the settlement agreement is attached
26 hereto as Exhibit "D."

27 6. Local 2028 refused to enter into the settlement agreement because it believed that

1 the remedy was not strong enough to deter the employer from continuing to violate the NLRA. On
2 August 1, 2008, after reviewing Local 2028's objections, the Regional Director of Region 21
3 approved the settlement agreement. A true and correct copy of James F. Small's letter, dated
4 August 1, 2008, approving the settlement agreement is attached hereto as Exhibit "E."

5 I declare under penalty of perjury under the laws of the United States of America and the
6 State of California that the foregoing is true and correct. Executed this 7th day of August 2008 in
7 Alameda, California.

8
9 /s/ BRUCE A. HARLAND
10 BRUCE A. HARLAND
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EXHIBITS

EXHIBIT A

Order Consolidating Cases, Consolidated
Complaint and Notice of Hearing 1-9

EXHIBIT B

Bruce A. Harland letter dated May 12, 2008..... 10

EXHIBIT C

Gary Overstreet Letter Dated May 15, 2008
Re: Class Action..... 11

EXHIBIT D

US Government - National Labor Relations Board
Settlement Agreement; and
NLRB Notice to Employees 12, 13

EXHIBIT E

James F. Small, Regional Director Letter dated
August 1, 2008
Re: Decision to Approve Settlement 14-16

118514/502088

PROOF OF SERVICE

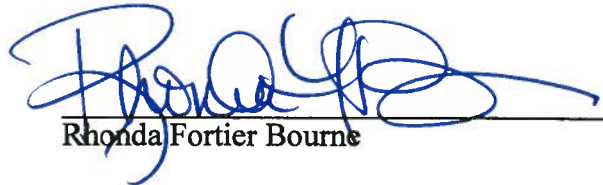
I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On August 7, 2008, I caused to be served copies of the document(s) described as:

- NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION
- MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL; and
- DECLARATION OF BRUCE A. HARLAND IN SUPPORT OF MOTION TO COMPEL

on the following parties by electronically filing the foregoing document(s) with the Clerk of the District Court using its ECF System, which caused all registered parties to this action to be electronically served via the e-mail address(es) listed below:

| <u>Party</u> | <u>E-Mail Address</u> |
|--------------------|-------------------------|
| Gary F. Overstreet | g.overstreet@mpglaw.com |

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on August 7, 2008.



Rhonda Fortier Bourne

118514/502169